

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

SEP - 8 2019

MCALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Sarai Garcia-Saucedo

PRINCIPAL

United States

Case Number:

YOB: 1988

M-19-2160-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 6, 2019 in Hidalgo County, in the Southern District of Texas defendant(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Kevin Franklyn Ixtecoc-Sarpec and Wilmer Jonathan Ixtecoc-Sarpec, both citizens and nationals of Guatemala, who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to another location near Sullivan City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On September 6, 2019, at approximately 9:30 p.m., McAllen Border Patrol Agents responded to a call out by camera operators from the McAllen station regarding a camera activation depicting suspected illegal aliens at an area known as "paisano gate" in Los Ebanos, Texas. Los Ebanos is a small town well known for its Port of Entry being a man operated fairy, only operated during daylight hours, however human smugglers use it to pick up aliens due to its proximity to the Rio Grande River.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on September 8, 2019.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Maria Guerrero

Signature of Complainant

Maria Guerrero

Border Patrol Agent

Printed Name of Complainant

September 8, 2019
Date

3:48 p.m.

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-2160-M

RE: Sarai Garcia-Saucedo

CONTINUATION:

Upon the agent hearing via radio regarding the camera activation, he proceeded to drive toward the location of the camera. The agent observed a Cobalt vehicle driving away at a fast speed from the "paisano gate" area. Agent recalled seeing the Chevy Cobalt drive into the town a few minutes prior to the camera activation. The agent in the area has been working the area consecutively for over a year and has become familiar with most of the locals in the area and the vehicles that drive in and out. The agent positioned himself on the opposite side, facing the road that the Cobalt was coming out of. The Border Patrol Agent noticed that the driver of the Cobalt made a long stop at the stop sign when there was no other vehicles passing through the road. The driver of the Cobalt made a right turn on FM 886, also known as Los Ebanos Road. The Border Patrol Agent proceeded to follow the vehicle and conducted vehicle checks. The checks revealed that the vehicle was registered out of North McAllen.

The Agent has been assigned to this area multiple times and has knowledge of local vehicles and local citizens. Based on this knowledge, the Agent noticed that the Chevy Cobalt was not a vehicle that he has seen before in the vicinity. The Agent noted that the Port of Entry was already closed, the vehicle was registered in another city and that the driver was acting in a suspicious manner by being stopped at the stop sign for a long period of time without any other vehicles traveling in any other direction, he then proceeded to activate his emergency equipment to conduct an immigration inspection.

The Agent approached the vehicle and identified himself. He observed the driver of the vehicle and three other occupants, the driver was later identified as Garcia-Saucedo, Sarai a United States citizen and her three children. The Agent questioned Garcia as to her purpose for being in the area at that time. Garcia stated that she was in the area to pick up her husband. The Border Patrol Agent asked Garcia for permission to search the trunk. Garcia got off the vehicle and willingly opened the trunk of the car while stating "they are my cousins". Upon Garcia opening the trunk, the Border Patrol Agent observed two adult males crammed into the trunk. While conducting an immigration inspection, both subjects freely admitted to being citizens of Guatemala with no immigration documents to be in the United States.

Garcia was read her Miranda rights in the field by Border Patrol Agents and placed under arrest. Garcia's children were turned over to a relative. Garcia along with the two subjects were transported to the McAllen Centralized Processing Center for processing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-2160-M

RE: Sarai Garcia-Saucedo

CONTINUATION:

PRINCIPAL STATEMENT:

Sarai Garcia-Saucedo was advised of her Miranda Rights. She understood her rights, and was willing to answer questions without the presence of an attorney.

Garcia stated that she traveled to Los Ebanos, Texas to pick up her husband and another illegal alien. She stated that her husband was recently deported to Mexico after serving jail time in Houston, Texas. Garcia stated that she drove to Los Ebanos, Texas after communicating with a smuggler known as Genaro. According to Garcia, Genaro was the individual involved with smuggling her husband into the United States. The same individual provided Garcia with an address to a residence where she would be picking up her husband after he crossed into the United States illegally on an inflatable raft. Garcia stated that when she arrived at the location she observed several adult males standing in the street and immediately noticed that her husband was not present. She stated that one of the individual's banged on her driver's side window and told her to exit the vehicle and open the trunk. She stated that an individual wearing a camouflage shirt told her that she was going to have to take two illegal aliens in the trunk of her car. Garcia stated that when she asked him where her husband was the individual became irritated and verbally threatened and shoved her, causing her to fall on her right knee. Garcia stated that after arriving at the location, she exited her vehicle and opened the trunk of her sedan and watched as two adult males jumped inside. She stated that as she drove away from the area she continued to talk on her cellphone with Genaro. She stated that she panicked since there was Border Patrol presence near the entrance to the Los Ebanos, Texas community, telling Genaro, "I'll just stop here with Border Patrol, if you don't tell me where my husband is". Genaro then told her that she was responsible for the people in her trunk and that she would be foolish doing anything other than successfully smuggling them out of the area.

MATERIAL WITNESS STATEMENT 1:

Kevin Franklyn Ixtecoc-Sarpec was read his Miranda rights. He understood his rights and agreed to provide a statement without an attorney present.

Kevin stated that he departed his home country of Guatemala on or about August 12, 2019. Kevin estimated that his family paid approximately 10,000 U.S. dollars for his smuggling arrangements. Kevin stated that yesterday evening, a smuggler brought them across the river in an inflatable raft. After making landfall on the U.S. riverbank, they walked for approximately 30 minutes until arriving at a roadway. Kevin stated that smugglers gave them specific instructions to hide and wait for a pick-up vehicle. Kevin stated that were instructed via cell phone on where to hideout and wait for the pick-up vehicle. Kevin stated that a light in color sedan arrived in the area to pick them up. Although Kevin was unable to positively identify the driver of the sedan via photo lineup, he was able to describe the driver as a female. Kevin stated that he and his brother jumped in the trunk of the sedan since the vehicle was already full of passengers. Kevin stated that after departing the area they were encountered by Border Patrol Agents during a traffic stop.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-2160-M

RE: Sarai Garcia-Saucedo

CONTINUATION:

MATERIAL WITNESS STATEMENT 2:

Wilmer Jonathan Ixtecoc-Sarpec was read his Miranda rights. He understood his rights and agreed to provide a statement without an attorney present.

Wilmer stated that he and his older brother Kevin departed their home country on August 12, 2019 and traveled by automobile until arriving near the U.S./Mexico border. Wilmer stated that his mother handled his smuggling fees and made payments to the smugglers in Mexico. Wilmer stated that he along with three others including his brother were smuggled into the United States. Wilmer stated that their group was instructed to walk toward a certain area so that they could wait for a pick-up vehicle. Wilmer stated that his brother Kevin communicated with smugglers in Mexico via cell phone. Wilmer stated that him and his brother found a place to hide and continued to communicate with smugglers in Mexico via cellphone. They were told that later in the evening there would be a vehicle arriving to pick them up. Wilmer stated that a sedan pulled up near their location and that from a distance he waived at the driver to stop. Wilmer stated that he briefly spoke to the female operator, asking her if she would give them a ride. Wilmer stated that the driver exited the vehicle and opened the trunk of her car after agreeing to give them a ride. Wilmer stated that the female mentioned that she only had room in the trunk of her car. They next jumped into the trunk of the car and the vehicle drove away. Wilmer stated that moments later they were encountered by Border Patrol Agents. Wilmer was able to positively identify Garcia in a photo lineup as the driver of the sedan that picked them up.